

### Remarks

Claim 1 is now pending.

### The Rejection

The following patents have been relied upon to reject the Applicants' claim 1:

	<u>U.S. Patents</u>
4,249,588	Egan
	<u>U.S. Patents Applications</u>
2003/0089438	Sandstrom et al. (Sandstrom)
	<u>Foreign Patents</u>
WO 02/40581	Cole
JP 8-324209	Japan 209

### Rejections Under 35 U.S.C. Section 103(a)

Claim 1 has been rejected under 35 U.S.C. Section 103(a) as being obvious over Sandstrom in view of Cole and Egan and optionally Japan 209.

A reconsideration of the rejections of the Applicants' claim 1 under 35 U.S.C. Section 103(a) is requested in view of comments herein.

### Discussion

The Applicants' claimed invention is directed to an agricultural tire relies upon a combination of:

(A) tread configuration with its NTG (the ratio of running surface of the tread lugs to the tread's gross dimensions) in a very low range of from about 15 to about 22 percent, in combination with

(B) a cellular, isobutylene copolymer-based tread composition.

In this manner, then, a cushioning effect is provided for the agriculture tire which extends from the running surface of the ground-contacting raised, spaced apart, low NTG, lugs through the individual lugs, thence through the tread to the tire carcass.

The Sandstrom reference, while it is directed to an agricultural tire with a tread

configured with raised, spaced apart lugs, which may have a low NTG ratio (in a range of only 15 to 22 percent) and of an isobutylene copolymer-based rubber composition, is materially deficient in a sense of not providing any teaching or suggestion to provide its butyl rubber agricultural tire tread with a closed cellular rubber composition.

While, both the Egan and Cole references relate to a tire having at least a portion of its tread comprised of a closed cellular rubber, it appears that neither reference teaches or suggests any isobutylene-based tire tread with raised, spaced apart, very low NTG ratio ground-contacting lugs to enable a cushioning effect to extend through low NTG, spaced apart raised lugs.

Accordingly, it is believed that a combination of Sandstrom with any of the Cole and Egan references does not make out a prima facie case of obviousness of the Applicants' claimed invention in the sense of 35 U.S.C. Section 103(a).

The tire of Japan 209 is limited to presenting a layer on the outside of the tread lugs to act as a mud anti-sticking layer with no teaching or suggestion to provide an entire tread and lugs, with a very low NTG tread lug configuration, with a closed cellular rubber composition to provide the Applicants' required damping effect to extend entirely through the tread lugs and thence through the tread. Accordingly, it is intended that the invention of the Applicants' amended claim 1 is readily distinguished from and is intended to exclude the tire of Japan 209.

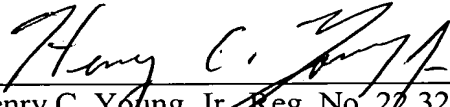
It is therefore contended that tire of the Japan 209 reference is materially deficient for a purpose of rejecting the Applicants' amended claim 1 without its significant reconstruction and that the invention of the Applicants' amended claim 1 is not obvious in view of Japan 209 in the sense of 35 U.S.C. Section 103(a).

Accordingly, it is contended that a prima facie case of obviousness of the invention of the Applicants' claim 1 is not made out by any combination of Sandstrom, Cole and Egan, optionally taken with Japan 209, in the sense of 35 U.S.C. Section 103(a).

### Conclusion

It is contended that the invention of the Applicants' amended claim 1 is patentably distinct from the applied references, whether applied singularly or in any combination and that a prima facie case of obviousness of the invention of the Applicants' claim 1 is not made out by any combination of the applied references in the sense of 35 U.S.C Section 103(a).

Respectfully submitted,

  
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